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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,297	10/24/2000	James M. Zombek	003636.0092	1662

7590 11/21/2006  
Manelli Denison & Selter PLLC  
Attention: William H. Bollman  
2000 M Street, N.W.  
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EXAMINER
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BATES, KEVIN T

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 11/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.		Applicant(s)	
	09/694,297		ZOMBEK ET AL.	
	Examiner		Art Unit	
	Kevin Bates		2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 9-26-06.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 and 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Response to Amendment***

This Office Action is in response to a communication made on September 26, 2006.

Claims 32-35 and 37-39 have been withdrawn as non-elected claims.

Claims 1, 13, 24, and 36 have been amended.

Claims 1-31 and 36 are pending in the application.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 6-7, 11-14, 18-19, 22-23, 24-25, and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani (6507589) in view of Gentry (6799210).**

**Regarding claims 1, 13, and 24, Ramasubramani discloses a messaging system, comprising:**

a client device having stored therein a client application adapted to be executed by said client device (Column 5, lines 60 – 64);

a server having stored therein a server application adapted to be executed by said server (Column 6, lines 27 – 34);

a plurality of wireless networks adapted to communicate messages between said client device and said server and to support one or more wireless network protocols (Column 5, line 64 – Column 6, line 5);

a protocol gateway encapsulating a fundamental network protocol underlining each of said one or more wireless network protocols (Column 5, lines 42 – 48; Column 15, lines 1 – 12); and

a communicator for communicating a message between said client application and said server application over a selected wireless network protocol through said protocol gateway independent of said selected wireless network protocol (Column 12, lines 37 – 45).

Ramasubramani does not explicitly indicate wherein said protocol gateway is clustered with at least one other protocol gateway for at least one of redundancy, scalability, and load balancing for access by said client application through a single virtual IP address.

Gentry teaches a system for sending information through gateways that includes wherein said protocol gateway is clustered with at least one other protocol gateway for load balancing, scalability, and redundancy (Column 2, lines 26 – 30) for access by said client application through a single virtual IP address (Column 7, lines 15 – 23; line 66 – Column 8, line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Gentry's teaching of virtual media and protocol gateways to allow the system to have congestion control and failure recovery abilities.

**Regarding claims 2, 14, and 25**, Ramasubramani discloses the messaging system according to claims 1, 13, and 24, further comprising at least one message router for routing said message between said protocol gateway and said server (Column 23, line 64 – Column 24, line 3).

**Regarding claims 6 and 18**, Ramasubramani discloses the messaging system according to claims 1, 13, and 24, further comprising an HTTP proxy server adapted to receive a plurality of HTTP requests from said client device, send each said request over an Internet to said server, and transmit a response corresponding thereto from said server to said client device (Column 5, lines 44 – 47; Column 12, lines 37 – 45).

**Regarding claims 7 and 19**, Ramasubramani the messaging system according to claims 6 and 18, wherein: the HTTP proxy server is adapted to support one or more HTTP protocols (Column 12, lines 37 – 45).

**Regarding claimss 11 and 22**, Ramasubramani discloses the messaging system according to claims 1 and 13, further comprising there is a means for supporting a message retry in each of said wireless network protocols (Column 7, lines 30 – 33).

**Regarding claims 12 and 23**, Ramasubramani discloses the messaging system according to claims 1 and 13, further comprising there is a means for supporting a message ACK/NACK service in each of said wireless network protocols (Column 7, lines 30 – 33).

**Regarding claim 36**, Ramasubramani discloses a communications system including a server adapted to run a server application, a plurality of message routers coupled to said server, a plurality of protocol gateways coupled to each of said plurality

Art Unit: 2155

of message routers, and a wireless network adapted to couple said server through one or more of said plurality of message routers and one or more of said plurality of protocol gateways to a plurality of client devices, each of said plurality of client devices adapted to run a client application, a method for disseminating content to said client applications (Column 5, lines 42 – 56), comprising:

receiving a request-for-content message at the server from a selected one of said plurality of client devices sending a responsive message from said server to one of said plurality of message routers (Column 15, lines 44 – 47);

selecting one of said plurality of protocol gateways based on a communication type by said one of the plurality of message routers receiving said responsive message;

forwarding said responsive message to said selected protocol gateway (Column 15, lines 58 – 60);

formatting said responsive message for said selected one of the plurality of client devices (Column 15, lines 60 – 63); and

forwarding said formatted responsive message to said client application running on said selected one of said plurality of client devices (Column 15, lines 60 – 65)

Ramasubramani does not explicitly indicate wherein said protocol gateway is clustered with at least one other protocol gateway for at least one of redundancy, scalability, and load balancing for access by said client application through a single virtual IP address.

Gentry teaches a system for sending information through gateways that includes wherein said protocol gateway is clustered with at least one other protocol gateway for

load balancing, scalability, and redundancy (Column 2, lines 26 – 30) for access by said client application through a single virtual IP address (Column 7, lines 15 – 23; line 66 – Column 8, line 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Gentry's teaching of virtual media and protocol gateways to allow the system to have congestion control and failure recovery abilities.

**Claims 3-5, 15-17, and 26-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani in view of Gentry as applied to claims 1-2, 6-7, 11-14, 18-19, 22-23, 24-25, and 36 above, and further in view of Barzegar (5894478).**

**Regarding claims 3, 15, and 26,** Ramasubramani discloses the messaging system according to claims 2, 14, and 25.

Ramasubramani does not explicitly indicate the message router further comprises means for authenticating an origin of said message.

Barzegar teaches a system with protocol gateways and a message router where the message router is programmed to authenticate messages based on who sent them (Column 3, lines 56 – 58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Barzegar's teaching of message authentication to increase the security of the system and prevent unauthorized requests.

**Regarding claims 4, 16, and 27,** Ramasubramani discloses the messaging system according to claims 3, 15, and 26

Ramasubramani does not explicitly indicate that the authenticating means authenticates said origin before said message is routed by said message router.

Barzegar teaches a system with protocol gateways and a message router where the authenticating means authenticates said origin before said message is routed by said message router (Column 3, lines 56 – 58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Barzegar's teaching of message authentication to increase the security of the system and prevent unauthorized requests.

**Regarding claims 5, 17, and 28,** Ramasubramani discloses that there is a database accessible by said message router and adapted to store information relating to routing and authentication of said message (Column 24, lines 19 – 24).

**Regarding claim 29,** Ramasubramani discloses that the HTTP proxy server is adapted to support one or more HTTP protocols (Column 12, lines 37 – 45).

**Claims 8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani in view of Gentry as applied to claims 1-2, 6-7, 11-14, 18-19, 22-23, 24-25, and 36 above, and further in view of Boyle (6119167).**

**Regarding claims 8 and 20,** Ramasubramani discloses the messaging system according to claims 6 and 18.

Ramasubramani does not explicitly indicate that the HTTP proxy server comprises: means for creating a TCP/IP socket connection; and means for managing said TCP/IP socket connection.



Boyle '167 teaches a wireless protocol gateway and http proxy that creates a TCP/IP socket connection; and manages said TCP/IP socket connection (Column 3, lines 27 – 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Boyle's teaching of the TCP/IP connection Ramasubramani's system in order to have a TCP/IP connection to connectionless wireless protocols.

**Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani in view of Gentry as applied to claims 1-2, 6-7, 11-14, 18-19, 22-23, 24-25, and 36 above, and further in view of Kung (6826173).**

**Regarding claim 9,** Ramasubramani discloses the messaging system of claim 1.

Ramasubramani does not explicitly indicate that there is an SNMP manager.

Kung discloses a system with a multiple protocol gateways that communicate using SNMP communication (Column 13, lines 5 – 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Kung's in Ramasubramani's system in order to allow the management service of the messaging system send commands to other devices in the system using the common SNMP protocol from an SNMP manager.

**Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani in view of Gentry as applied to claims 1-2, 6-7, 11-14, 18-19, 22-23, 24-25, and 36 above, and further in view of Boyle (6138158).**

**Regarding claims 10 and 21**, Ramasubramani discloses the messaging system according to claims 1 and 13.

Ramasubramani does not explicitly indicate that the system is further comprising: means for defining a maximum segment size; means for determining if said message exceeds said maximum segment size; and means for segmenting said message into a plurality of message segments, none of said plurality of message segments exceeds said maximum segment size.

Boyle '158 teaches a messaging system (Column 8, line 52 – Column 9, line 2) that includes defining a maximum segment size; means for determining if said message exceeds said maximum segment size; and means for segmenting said message into a plurality of message segments, none of said plurality of message segments exceeds said maximum segment size (Column 13, lines 37 – 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Boyles teaching of breaking up messages in Ramasubramani's system because some of the messaging protocols may only be able to support a maximum message size and Boyles system allows long messages to be broken up to the max size and transferred.

**Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani in view of Gentry and further in view of Barzegar (5894478) as applied to claims 3-5, 15-17, and 26-29 above, and further in view of Boyle (6119167).**

**Regarding claim 30**, Ramasubramani discloses the messaging system according to claim 29.

Ramasubramani does not explicitly indicate that the HTTP proxy server comprises: means for creating a TCP/IP socket connection; and means for managing said TCP/IP socket connection.

Boyle '167 teaches a wireless protocol gateway and http proxy that creates a TCP/IP socket connection; and manages said TCP/IP socket connection (Column 3, lines 27 – 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Boyle's teaching of the TCP/IP connection Ramasubramani's system in order to have a TCP/IP connection to connectionless wireless protocols.

**Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramasubramani in view of Gentry and further in view of Barzegar and Boyle ('167) as applied to claim 30 above, and further in view of Boyle (6138158).**

**Regarding claim 31**, Ramasubramani discloses the messaging system according to claims 30.

Ramasubramani does not explicitly indicate that the system is further comprising: means for defining a maximum segment size; means for determining if said message exceeds said maximum segment size; and means for segmenting said message into a plurality of message segments, none of said plurality of message segments exceeds said maximum segment size.

Art Unit: 2155

Boyle teaches a messaging system (Column 8, line 52 – Column 9, line 2) that includes defining a maximum segment size; means for determining if said message exceeds said maximum segment size; and means for segmenting said message into a plurality of message segments, none of said plurality of message segments exceeds said maximum segment size (Column 13, lines 37 – 48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use Boyles teaching of breaking up messages in Ramasubramani's system because some of the messaging protocols may only be able to support a maximum message size and Boyles system allows long messages to be broken up to the max size and transferred.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 and 36 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2155

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Bates whose telephone number is (571) 272-3980. The examiner can normally be reached on 8 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/694,297

Page 13

Art Unit: 2155

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KB

November 14, 2006

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER